

DEC 01 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6123 9750

Mr. Aaron Rochester
Owner/President
Recycletronics
3313 Northbrook Drive
Sioux City, Iowa 51105

RE: Recycletronics
Sioux City, Iowa

Dear Mr. Rochester:

Letter of Warning/Request for Information

On June 16, 2015, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report and determined that a violation of RCRA was documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a listing of the violation followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.

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Recycletronics - 10-9-15.mrw.10192015.doc

Office	WEMM	WEMM	CNSL	WEMM
Name	Bredehoft	Snowden	Homes	Toensing
Initial/Date	DMR 10/20/15	10/20/15	11-24-15	12-1-15

RCRA



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Ms. Deborah Bredehoft, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Ms. Deborah Bredehoft, of my staff, at (913) 551-7164.

Sincerely,

Donald Toensing
Chief
Waste Enforcement and Materials Management
Branch
Air and Waste Management Division

Enclosures (3)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section
Iowa Department of Natural Resources
Donnie Zach, Nebraska Dept. of Environmental Quality

bcc: Gary Witkovski, ENST

Listing of the Violation
Recycletronics
Sioux City, Iowa

1. Title 40 Code of Federal Regulations (40 CFR) 262.34(a)(4) referencing 40 CFR 265.31 – Failure to manage a facility to minimize the possibility of a release.

Requested Information
Recycletronics
Sioux City, Iowa

1. With regard to Violation Number 1, please outline the steps that your facility has taken to minimize the possibility of a hazardous waste release from the containers used to accumulate CRTs and/or CRT components outside your building, which showed signs of releases.
2. During the EPA's June 16, 2015, inspection, the EPA's inspector attempted to review records related to deliveries at the Recycletronics facility; however, the inspector was informed that the computer with the relevant information had crashed the previous week. The EPA's inspector contacted you again on June 23, 2015, and July 1, 2015 and was informed that you were still attempting to restore the computer's hard drive. With regard to the records of deliveries to and off-site shipments from the Recycletronics facility, please provide the following:
 - a. if Recycletronics has been able to recover the files from the crashed computer, please provide the electronic records for all deliveries and all shipments of cathode ray tubes (CRTs), materials that contain CRTs, and/or materials that were generated from the processing of CRTs from when Recycletronics began operating to present;
 - b. documentation (i.e., paper copies of shipping papers, a detailed spreadsheet, a written narrative, etc.) that shows the volume of CRTs and/or CRT components received at the facility from 2013 to the present and the volume of CRTs and/or CRT components shipped from the facility from 2013 to the present. This documentation should show the name and address of the source of each incoming shipment and the name and address of the destination of each outgoing shipment of CRTs and/or CRT components from 2013 to the present.
3. With regard to Recycletronics facility, please provide the following information:
 - a. the maximum capacity of CRTs that can be processed in a day (e.g., number of units or pounds of CRTs and/or CRT components);
 - b. a detailed description outlining how your facility separates the glass (leaded and unleaded glass) parts from the non-glass portions (i.e., scrap plastic, scrap metal, etc.) of the equipment;
 - c. a detailed description of how your facility separates the leaded glass from the unleaded glass;
 - d. a narrative describing any changes in the processes outlined in b. and c. above for processing of CRTs at Recycletronics since opening the facility in 2013;
 - e. state whether Recycletronics is paid to take the materials that contain CRTs from the facilities that ship them to Recycletronics and/or whether Recycletronics pays for the incoming materials. For the purposes of responding to this question, any payments do not include shipping costs;
 - f. state whether the facilities to which Recycletronics ships processed CRTs and/or CRT components pay for the materials and/or whether Recycletronics pays the facilities to which these materials are shipped for them (including but not limited to Closed Loop Refining and Recovery, Technologies Displays America, etc.). For the purposes of responding to this question, any payments do not include shipping costs;
 - g. documentation demonstrating the market value of CRTs, leaded glass, and unleaded glass;
 - h. state and provide supporting documentation outlining who pays for the shipping of the

- CRTs to Recycletronics;
- i. state and provide supporting documentation outlining who pays for the shipping of the leaded glass from Recycletronics;
 - j. state and provide supporting documentation outlining who pays for the shipping of the unleaded glass from Recycletronics;
 - k. a narrative with supporting documentation demonstrating:
 - i. who is receiving the leaded glass;
 - ii. how the leaded glass shipped from Recycletronics is used;
 - l. a narrative with supporting documentation demonstrating:
 - i. who is receiving the unleaded glass; and
 - ii. how the unleaded glass shipped from Recycletronics is used.
4. At the time of the inspection, the inspector observed CRTs, other electronic equipment, and unleaded glass stored outside of the facility. At the time of the inspection, you stated that these containers had only been stored outside within the previous 30 days. However, the EPA found satellite imagery from October 14, 2014, that shows containers staged behind the building. Please provide the following information about the storage of materials behind the building (e.g., CRTs, other electronic equipment, unleaded glass, leaded glass, scrap metals and plastics, etc.):
- a. state how long the materials observed at the time of the inspection were stored outside prior to being processed, removed, or placed inside the facility;
 - b. state whether the materials are separated by type (i.e., each drum contains only one type of CRT component such as unleaded glass, leaded glass, plastic, metal, etc.)
 - c. an inventory of the material (e.g., unprocessed CRTs, unleaded glass, etc.) that were stored outside of your facility (whether in front of or behind the facility) on October 14, 2014;
 - d. state whether your facility continues to stage materials outside of your facility;
 - e. if materials currently continue to be stored outside of your facility, please provide:
 - i. an inventory of the materials stored outside of your facility;
 - ii. the amount of materials stored outside of your facility;
 - iii. provide a description of Recycletronic's inventory rotation, on an annual basis, for any materials destined for recycling, and any steps that your facility takes to ensure that any materials destined for recycling or re-use are managed in a manner that reduces the possibility of a release or theft;
 - f. with regard to the materials staged outside your facility in 2014, please state how long these materials were staged outside of your facility prior to being processed, removed, or placed inside your facility;
 - g. state whether materials staged outside are processed ahead of materials staged inside your facility;
 - h. state the average length of time that any CRTs and/or CRT components were staged outside your facility before being processed within your facility; and
 - i. state the length of time that the unleaded glass was staged outside of your facility before being removed.

5. With regard to the waste determination on the unleaded glass, the EPA was provided with two sets of analytical results (both are included as part of attachment 11 of the EPA's June 16, 2015, inspection report). The analysis completed on the sample received on October 6, 2010, stated that the lead toxicity characteristic leachate procedure (TCLP) level was 24.2 milligrams per liter (mg/L). The analysis completed on the sample received on October 13, 2010, stated that the lead TCLP level was 1.56 mg/L. The TCLP regulatory limit is 5 mg/L. Therefore, solely based on the TCLP results for lead, the sample received on October 6, 2010, was a hazardous waste and the sample received on October 13, 2010, was non-hazardous waste. Please provide the following information on the unleaded glass generated at your facility:
- a. this facility began operations at this location in 2013, and the analysis provided was from 2010. Please provide the following information about the analytical results provided:
 - i. state who generated the analytical results provided;
 - ii. state whether the process that generated the analytical results is exactly the same as the CRT processing that currently occurs at the 3313 Northbrook Drive facility;
 - iii. if the process that generated the unleaded glass for the 2010 analytical results is not the same CRT processing, please provide:
 1. the differences in the processes;
 2. a narrative explaining why the provided analytical results are applicable at your facility;
 - iv. state whether there were any revisions to the processing of materials at the facility (including the separation of leaded vs. unleaded glass) between the time of the analysis of the sample received by the lab on October 6, 2010, and the sample received on October 13, 2010.;
 - v. if a revision as described in iv. above was made to the facility's processes, please state whether those process revisions are those currently used by Recycletronics;
 - b. state whether the Sioux City location generated any TCLP analytical results between 2013 through present on the unleaded glass;
 - c. if the above-listed facility does not have the same process as the facility that provided the 2010 analytical results, please provide a detailed analysis on why the 2010 analysis is applicable for the unleaded glass generated by your facility;
 - d. at the time of the inspection, you stated that the unleaded glass debris was sent to Gill Hauling of Sioux City, Iowa, to be used as aggregate or fill. Please provide the following:
 - i. state whether your facility has sent or currently sends the unleaded glass to any other facility or location; and
 - ii. state whether a special waste or any other permit was required for the use of unleaded glass as aggregate or fill. If a special waste or other permit was required, please provide documentation that the unleaded glass was appropriately used in accordance with any issued permits.

6. The EPA is in receipt of e-mailed correspondence (dated September 11 and 18, 2015) between you and Donnie Zach of the Nebraska Department of Environmental Quality. In your response, you provided a TCLP analysis for mixed CRT glass that indicated that it was non-hazardous. Please provide the following:
- a. describe what goes into the CRT mixed glass (e.g., the sources of the materials that were mixed together before the material was tested), clarifying the response to question c. in your e-mail of September 11, 2015 to Donnie Zach of the Nebraska Department of Environmental Quality;
 - b. describe the various classifications in your response to item c in the September 11 e-mail. Specifically, describe the meanings of “non-lead,” “steel and funnel glass,” and describe whether any of these materials has “baked on lead”;
 - c. state the ratio of the leaded to non-leaded glass components in the material that was sampled in Nebraska (e.g., 20% unleaded glass, 50% leaded glass, etc.);
 - d. state whether the “non-lead” glass was glass from CRTs or glass from other sources;
 - e. please clarify what was meant by Recycletronics putting a “high concentration of the funnel glass in concrete and asphalt,” specifically when the glass is mixed with the concrete or asphalt and when the sample was taken (i.e., before or after the crushed glass is mixed with concrete or asphalt);
 - f. state where the two samples were collected and provide any diagrams, maps or other documentation showing where the samples were taken;
 - g. state exactly what materials are stored at the Nebraska facility (e.g., just CRT glass, glass and other CRT components, funnel glass, funnel glass mixed with concrete and asphalt, etc.); and
 - h. state whether the samples were collected from the materials staged in Nebraska or from a similar material at the Iowa location.

3007 RESPONSE INSTRUCTIONS

- Identify the Person(s) responding to this request on your behalf.
- Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- For each numbered item, identify all persons consulted in the preparation of the answer.
- For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.